

REMARKS

This Amendment is submitted in response to the final Office Action dated May 18, 2010 and the Advisory Action dated July 23, 2010. In the final Office action, claims 1-17 and 21 were rejected under both (1) 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,688,693 to Fine et al. (hereinafter “Fine”) and (2) 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,509,537 to Krieg et al. (hereinafter “Krieg”) in view of Fine. In the Advisory Action, the Office states that the rejections of the final Office Action apply to the arguments included in the Applicants’ Amendment filed on July 19, 2010.

Reconsideration and withdrawal of the rejections are respectfully requested in view of the foregoing amendments and following remarks.

Claim 1 is amended herein to include the limitations of claims 4 and 5, and amended claim 1 recites a method for reprocessing used plastic containers, comprising (a) analyzing the degree of contamination of the plastic, (b) determining decontamination process parameters as a function of the degree of contamination found in the analyzing step, wherein a process temperature adapted to the degree of contamination is determined as a decontamination process parameter, and/or wherein a process time that is adapted to the degree of contamination is determined as a decontamination process parameter, and (c) conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined.

Neither Fine nor Krieg discloses or suggests all of the limitations of amended claim 1, and amended claim 1 is therefore allowable.

Specifically, neither Fine nor Krieg discloses or suggests *conducting controlled decontamination* of the plastic according to the decontamination process parameters thus determined, as recited in amended claim 1. As understood by one of ordinary skill in the art, decontamination is a process of *cleaning* an object to remove contamination from its surface. As such, the decontamination recited in amended claim 1 is a cleaning of flakes by removing contaminants from the flakes and thereby maintaining the amount of plastic material available for reprocessing. By contrast, Fine does not disclose the *cleaning* of flakes by removing contaminants from the flakes, but only teaches the *detection* of specific

contaminants in articles made of plastic materials. *See* Fine, col. 2, lines 15-38.

Accordingly, Fine does not teach the step of conducting decontamination, controlled or otherwise, of plastic materials, as recited in amended claim 1.

Krieg also fails to disclose the step of a conducting controlled decontamination of the plastic according to the decontamination process parameters thus determined, as recited in amended claim 1. Similar to Fine, Krieg fails to disclose the *cleaning* of flakes by removing contaminants from the flakes, but only teaches the *detection* of specific contaminants by spectroscopic analysis. *See* Krieg, col. 1, lines 54-62. Consequently, Krieg does not teach the step of conducting decontamination, controlled or otherwise, of plastic materials, as recited in amended claim 1, and amended claim 1 is allowable for at least this reason.

In addition, neither Fine nor Krieg discloses or suggests that a process temperature adapted to the degree of contamination is determined as a decontamination process parameter, and/or that a process time that is adapted to the degree of contamination is determined as a decontamination process parameter, as recited in amended claim 1.

More specifically, Fine fails to disclose or suggest that a process temperature *adapted to the degree of contamination* is determined as a decontamination process parameter. Fine does not disclose any relationship between temperature and degree of contamination. Indeed, as explained above, Fine does not teach a decontamination process at all. Instead, Fine teaches that temperature is related to the *detection* of contamination in a material. *See* Fine, col. 7, lines 1-14. In particular, regardless of the degree of contamination, Fine teaches that the temperature of a wash solution used in a washer (that is used to aid in the detection of contaminants) must be maintained below a maximum temperature at which the plastic material being inspected will vaporize because such vaporization will produce background volatiles that will tend to interfere with the detection of contaminants in the materials. *See* Fine, col. 3, lines 8-13 and col. 7, lines 1-14.

Turning next to Krieg, Krieg is silent as to temperature as any process parameter, let alone as a decontamination process parameter. Indeed, as explained above, Krieg fails to disclose a decontamination process at all. Consequently, none of the references cited by the Office discloses or suggests that a process temperature *adapted to the degree of*

contamination is determined as a decontamination process parameter, as recited in amended claim 1.

Fine also fails to disclose or suggest that a process time adapted to the degree of contamination is determined as a decontamination process parameter, as recited in amended claim 1. Fine's only discussion of time relates to the rate at which the analysis process can be conducted, and Fine does not teach that process time is in any way related to the degree of contamination. *See* Fine, col. 4, lines 10-20 and 34-39. Turning to the other reference, Krieg is silent as to process time, let alone a process time that is determined as a decontamination process parameter. Accordingly, amended claim 1 is allowable over each of the references cited by the Office.

Conclusion

The Applicants believe that each of the outstanding rejections, objections, and/or other concerns have been accommodated, traversed or rendered moot. Therefore, the application is considered to be in condition for allowance. Should there remain any outstanding issues that the Office believes may be remedied via telephone conference, please contact the undersigned at (312) 474-6300.

Because September 18, 2010 fell on a Saturday, the Applicants submit this Amendment accompanied by a one-month extension of time. The appropriate extension fee is paid herewith by credit card, along with the amount of \$810.00 covering the fees set forth in 37 CFR 1.114. In the event any additional fees are required, kindly charge the cost thereof to our Deposit Account No. 13-2855.

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Respectfully submitted,

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